

REMARKS

The Official Action dated December 9, 2003 has been carefully considered. By the present Amendment, claim 76 has been amended, in accordance with the Examiner's suggestions, to clarify that it is the conditioning treating composition which is formulated so that any damage as a result of washing the one or more shoes with or in an aqueous medium with application is reduced as compared to washing the one or more shoes with or in a aqueous medium without application, as taught in the embodiment described in the specification at page 4, lines 3-10 and page 55, lines 20-25. The present amendment to claim 89 is also in accordance with the Examiner's suggestion to clarify that the treating composition contained within either one or both the containment bag(s) and the wash solution comprises the cleaning treating composition.

Applicants acknowledge and appreciate the Examiner's indication of allowable subject matter. Specifically, the Examiner states that claim 86 was allowed because the prior art of record does not teach or suggest a method for washing one or more shoes comprising, prior to washing with or in an aqueous medium, adding a conditioning treating composition to the inside of the one or more shoes or to a wash solution, so that any damage as a result of washing the one or more shoes is reduced as compared to washing without application of the conditioning composition. Claims 90 and 108 were allowed as further limiting claim 86.

Further, Applicants acknowledge and appreciate that the October 10, 2003 amendment was entered. Accordingly, claims 76-108 are pending in the Application.

Rejection under 35 U.S.C. § 112, second paragraph

Claims 76-85, 87-89, and 91-107 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner asserted that in Claim 76, the phrase "wherein at least one of the treating compositions is formulated

so that any damage as a result of washing the one or more shoes with or in aqueous medium with application of the at least one treating composition is reduced as compared to washing the one or more shoes with or in an aqueous medium without application of the at least one treating composition" renders the claim indefinite because it is not clear from the phrase that claim 76 is directed to the allowable embodiment wherein the treating composition which reduces damage from washing is the conditioning treating composition as described in the specification as filed.

Further, the Examiner asserted that Claim 89 was indefinite because it is not clear from the claim language that the claim is directed to the allowable embodiment wherein either one or both the containment bag(s) and the wash solution contain the cleaning treating composition.

The grounds for this rejection have been obviated and reconsideration is respectfully requested. Applicants submit that the present amendment to claim 76, which incorporates the suggested clarifications of the Examiner, overcomes this rejection by clarifying that it is the conditioning treating composition which confers the relative decrease in wash-related damage benefit. In addition, the amendment to claim 89 is also in accordance with the Examiner's suggestions, and clarifies that one or both the containment bag(s) and the wash solution contain the cleaning treating composition. Hence, Applicants believe that the rejection of claims 76-85, 87-89, and 91-107 under 35 U.S.C. §112, second paragraph, has been overcome and reconsideration is respectfully requested.

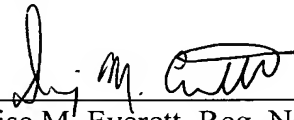
Third Request for Missing Initialed Form-PTO 1449

On March 21, 2003, Applicants submitted a Request Under 37 C.F.R. 1.312 for Acknowledgement of Receipt of Information Disclosure Statement, asking that the Examiner-initialed copy of the Form PTO-1449 from the Information Disclosure Statement be provided, and subsequently received an Office Communication on June 5, 2003

purporting to include this form. **However, the form was not attached and Applicants are still awaiting the Examiner-initialed Form PTO-1449.** For the Examiner's convenience, a copy of the Form PTO-1449 as originally filed is attached.

It is believed that the above represents a complete response to the Examiner's rejections under 35 U.S.C. § 112, second paragraph, and places the present application in condition for allowance. Reconsideration and an early allowance are requested.

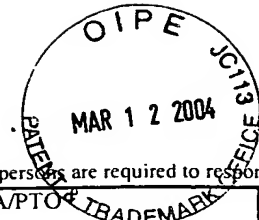
Respectfully submitted,



Denise M. Everett, Reg. No. 47,552
Attorney for Applicants
Dinsmore & Shohl LLP
1900 Chemed Center
255 East Fifth Street
Cincinnati, Ohio 45202
(513) 977-8787

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Substitute for form 1449A/PTO

COMPLETE IF KNOWN

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Parent Application Number	09/693,224
Confirmation Number	
Filing Date	November 5, 2001
First Named Inventor	Keith Homer Baker, et al
Group Art Unit	1755
Examiner Name	
Attorney Docket Number	7836XD

SHEET 1 of 1

U. S. PATENT DOCUMENTS

EXAMINER INITIALS*	Cite No. ¹	U.S. PATENT DOCUMENT Number	Kind Code ² (if known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
	1	4,285,841		Barrat, et al	08/25/1981	
	2	4,767,563		de Buzzaccarini	08/1988	
	3	5,306,444		Kitamura, et al.	04/1994	
	4	5,431,840		Soldanski, et al.	07-1995	
	5	5,482,644		Nguyen, et al.	01-1996	
	6	5,576,282		Miracle, et al	11/19/1996	
	7	5,883,064		Baek, et al	03/16/1999	

FOREIGN PATENT DOCUMENTS

EXAMINER INITIALS*	Cite No. ¹	FOREIGN PATENT DOCUMENT Office ³ Number ⁴	Kind Code ⁵ (if known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear	T ⁶
	1	PCT	WO 97/00738	Lucia, et al	01/09/1997		
	2	PCT	WO 99/36499	Mobaier, et al	07/22/1999		
	3	JP	63-288,187	Okanishi	11/25/1988		
	4	JP	09-087,685	Mikami	03/31/1997		
	5	JP	09-271,597	Yoshioka	10/21/1997		
	6	JP	20-00014965	Hosokawa	01/18/2000		
	7	JP	63-317,192	Alasaka	12/26/1988		
	8	DE	42 29 660 A1	Kottwitz, et al	03/10/1994		
	9	EP	0 786 514 A2	Bory, et al	07/30/1997		
	10	UK	378400	Hubmajer	08/02/1932		
	11	BR	93-04039-3A	Remali	06/20/1995		

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

EXAMINER INITIALS*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ⁶

EXAMINER	DATE CONSIDERED
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FORM PTO-1449

LIST OF PATENTS AND PUBLICATIONS

FOR APPLICANT'S INFORMATION

DISCLOSURE STATEMENT

COPY

ATTY. DOCKET 7836XD

SERIAL NO. 10/007,449

APPLICANT Keith H. Baker et al

FILING DATE November 5, 2001 GROUP 1751

FOR Compositions for Treating Shoes and Articles Employing Same

UNITED STATES LETTERS PATENT

		DOCUMENT NUMBER							DATE	NAME	CLASS	SUB CLASS
	as	H	1	5	1	3			Jan. 2, 1996	Murch et al		
	ab	5	3	0	6	4	3	5	Apr. 26, 1994	Ishikawa et al		
	ac	5	8	0	7	4	3	8	Sep. 15, 1998	Lansbergen et al		
	ad	5	8	3	7	6	7	0	Nov. 17, 1998	Hartshorn		
	ae	5	8	9	1	8	3	8	Apr. 6, 1999	Angell et al		
	af	6	1	5	9	9	2	3	Dec. 12, 2000	Boutique et al		

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER							DATE	COUNTRY	CLASS	SUB CLASS
	ag	WO	00	2	9	5	3	8	May 25, 2000	PCT		
	ah	WO	00	2	2	5	3	9	May 25, 2000	PCT		

OTHER ART (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)

	ai	Commercial Products (27 pages)										
	aj	Baker et al U.S. Application Serial No. 10/227,761 filed August 26, 2002										
	ak	Baker et al U.S. Application Serial No. 09/992,757 filed November 6, 2001										
	al	Baker et al U.S. Application Serial No. 09/785,876 filed February 16, 2001										
	am	Frisch et al U.S. Application Serial No. 09/693,314 filed October 4, 2000										
	an	Rogers et al U.S. Application Serial No. 09/666,113 filed September 20, 2000										

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.